



## **The Patient Protection and Affordable Care Act**

### **Implementation Timeline**

#### **2009**

**Credit to Encourage Investment in New Therapies:** A two-year temporary credit subject to an overall cap of \$1 billion to encourage investments in new therapies to prevent, diagnose, and treat acute and chronic diseases. The credit would be available for qualifying investments made in 2009 and 2010.

#### **2010**

**Immediate Access to Insurance for Uninsured Individuals with a Pre-Existing Condition:** Provides eligible individuals access to coverage that does not impose any coverage exclusions for pre-existing health conditions. This provision would end when Exchanges are operational.

**Prohibition on Rescissions:** Prohibits abusive practices whereby health insurance companies rescind existing health insurance policies when a person gets sick as a way of avoiding covering the costs of enrollees' health care needs.

**No Lifetime or Annual Limits:** Prohibits lifetime limits on benefits in all group health plans and in the individual market and restricts the use of annual limits. This takes effect for plan years beginning on or after the date that is six months after enactment.

**Coverage of Preventive Health Services:** All group health plans and plans in the individual market must provide first dollar coverage for preventive services. This takes effect for plan years beginning on or after the date that is six months after enactment.

**Extension of Dependent Coverage:** Requires any group health plan or plan in the individual market that provides dependent coverage for children to continue to make that coverage available until the child turns 26 years of age. This takes effect for plan years beginning on or after the date that is six months after enactment.

**Bringing Down the Cost of Health Care Coverage:** Specifies that health plans must annually report on the share of premium dollars spent on medical care and provide consumer rebates for excessive medical loss ratios in each year between 2010 and 2013.

**Reinsurance for Early Retirees:** Creates a new temporary reinsurance program to help companies that provide early retiree health benefits for those ages 55-64 offset the expensive cost of that coverage.

**Improved Consumer Assistance:** Requires that any group health plan or plan in the individual market implement an effective appeals process for coverage determinations and claims. Also, requires the Secretary of HHS to award grants to States to establish health insurance consumer assistance or ombudsman programs to receive and respond to inquiries and complaints concerning health insurance coverage. This takes effect for plan years beginning on or after the date that is six months after enactment.

**Early Internet Portal:** Requires the Secretary of HHS to establish an Internet website through which residents of any State may identify affordable health insurance coverage options in that state. So-called “mini-med” or limited-benefit plans will be precluded from listing their policies on this website.

**Crackdown on Health Care Fraud:** Requires enhanced screening procedures for health care providers to eliminate fraud and waste in the health care system.

**Part D “Donut Hole” or Coverage Gap:** Shrinks Medicare prescription drug coverage gap by \$500 and begins a 50 percent discount on brand name drugs and biologics when beneficiaries fall into the coverage gap. Currently, the coverage gap falls between \$2,700 and \$6,154 in total drug costs

**Ensuring Access to Doctors for Seniors and Military Families:** Averts a 20 percent pay cut for physician services that threatens Medicare beneficiaries’ access to medical care.

**Increased Access to Home and Community Based Services:** The new Community First Choice Option, which allows states to offer home and community based services to disabled individuals through Medicaid rather than institutional care, takes effect on October 1, 2010.

**Improved Public Health Prevention Efforts:** Creates an interagency council to promote healthy policies at the federal level and establishes a prevention and public health investment fund to provide expanded and sustained national investment in prevention and public health programs.

**Strengthening the Quality Infrastructure:** Additional resources provided to HHS to develop a national quality strategy and support quality measure development and endorsement for the Medicare, Medicaid and CHIP quality improvement programs.

**Extended Payment Protections for Rural Providers:** Extends Medicare payment protections for small rural hospitals, including for hospital outpatient services, lab services, and facilities that have a low-volume of Medicare patients, but play a vital role in their communities.

**Establish Patient-Centered Outcomes Research Institute:** Establish a private, non-profit institute to identify national priorities and provide for research to compare the effectiveness of health treatments and strategies.

**Pharmaceutical Manufacturers Fee:** Imposes an annual non-deductible \$2.3 billion fee on the pharmaceutical manufacturing industry allocated according to market share and not applying to companies with sales of branded pharmaceuticals of \$5 million or less.

**Medical Device Manufacturers Fee:** Imposes an annual non-deductible flat fee of \$2 billion on the medical device manufacturing sector allocated according to market share and exempting companies with U.S. sales of \$5 million or less. The fee does not apply to any sale of a Class I product or any sale of a Class II product that is primarily sold to consumers at retail for not more than \$100 per unit (under the FDA product classification system).

**Health Insurance Provider Fee:** Imposes an annual non-deductible flat fee of \$6.7 billion on the health insurance sector allocated across the industry according to market share. The fee does not apply to companies whose net premiums written are \$25 million or less and whose fees from administration of employer self-insured plans are \$5 million or less.

**Non-Profit Hospitals:** Establishes new requirements applicable to nonprofit hospitals beginning in 2010, including periodic community needs assessments.

**New National Health Care Workforce Commission:** Establishes an independent National Commission to provide comprehensive, nonbiased information and recommendations to Congress and the Administration for aligning federal health care workforce resources with national needs.

**Strengthening Our Health Care Workforce:** Expands and improves low-interest student loan programs, scholarships, and loan repayments for health students and professionals to increase and enhance the capacity of the workforce to meet patients' health care needs.

**Special Deduction for Blue Cross Blue Shield (BCBS):** Requires that non-profit BCBS organizations have a medical loss ratio of 85 percent or higher in order to take advantage of the special tax benefits provided to them under IRC Section 833, including the deduction for 25 percent of claims and expenses and the 100 percent deduction for unearned premium reserves.

**Cosmetic Surgery Tax:** Imposes a five percent excise tax on voluntary cosmetic surgical and medical procedures performed by a licensed medical professional. The tax would be collected by the medical professional at the point of service.

## **2011**

**Increased Reimbursement for Primary Care:** Provides a 10 percent bonus in Medicare payments for primary care physicians and general surgeons.

**Increased Training Support for Primary Care:** Establishes a Graduate Medical Education policy allowing unused training slots to be re-distributed for purposes of increasing primary care training at other sites.

**Improved Health Care Quality and Efficiency:** Establishes a new CMS Innovation Center to test innovative payment and service delivery models to reduce health care costs and enhance the quality of care provided to individuals.

**Improved Preventive Health Coverage:** Covers an annual wellness visit and personalized prevention plan services for Medicare beneficiaries and eliminates cost sharing for preventive services. Creates incentives for state Medicaid programs to cover evidence-based preventive services with no cost-sharing, and requires coverage of tobacco cessation services for pregnant women.

**Transitional Care for Medicare:** Establishes the Community Care Transitions Program to provide transition services to high-risk Medicare beneficiaries.

**Expanded Primary Care, Nursing, and Public Health Workforce:** Increases access to primary care by adjusting the Medicare Graduate Medical Education program. Primary care and nurse training programs are also expanded to increase the size of the primary care and nursing workforce. Ensures that public health challenges are adequately addressed.

**Small Business Tax Credit:** Initiates the first phase of the small business tax credit for qualified small employers for contributions to purchase health insurance for its employees. The credit is up to 35 percent of the small business employer's contribution to provide health insurance for its employees. There is also up to a 24 percent credit for small nonprofit organizations.

**New Medicaid Flexibility for States:** A new option allows states to cover parents and childless adults up to 133 percent of FPL and receive current law FMAP will take effect.

**Transition to Competitive Bidding in Medicare Advantage:** Begin transition to a competitive bidding system to eliminate overpayments to insurers in Medicare Advantage.

**Employer W-2 Reporting:** Requires employers to disclose the value of the benefit provided by the employer for each employee's health insurance coverage on the employee's annual Form W-2.

**Standardized Definition of Qualified Medical Expenses:** Conforms the definition of qualified medical expenses for HSAs, FSAs, and HRAs to the definition used for the itemized deduction. An exception to this rule is included so that amounts paid for over-the-counter medicine with a prescription still qualify as medical expenses.

**Increased Additional Tax for Withdrawals from Health Savings Accounts and Archer Medical Savings Account Funds for Non-Qualified Medical Expenses:** Increases the additional tax for HSA withdrawals prior to age 65 that are not used for qualified medical expenses from 10 to 20 percent. The additional tax for Archer MSA withdrawals not used for qualified medical expenses would increase from 15 to 20 percent.

**Cafeteria Plan Changes:** Creates a Simple Cafeteria Plan to provide a vehicle through which small businesses can provide tax-free benefits to their employees. This would ease the small

employer's administrative burden of sponsoring a cafeteria plan. The provision also exempts employers who make contributions for employees under a simple cafeteria plan from pension plan nondiscrimination requirements applicable to highly compensated and key employees.

**Limit Health Flexible Savings Account Contributions:** Limits the amount of contributions to health FSAs to \$2,500 per year.

**Eliminate Deduction for Employer Part D Subsidy:** Eliminates the deduction for the subsidy for employers who maintain prescription drug plans for their Medicare Part D eligible retirees.

## 2012

**Encourages Integrated Health Systems:** Implements physician payment reforms that enhance payment for primary care services and encourage physicians to join together to form "accountable care organizations" to gain efficiencies and improve quality.

**Linking Payment to Quality Outcomes:** Establishes a hospital value-based purchasing program to incentivize enhanced quality outcomes for acute care hospitals. Also requires the Secretary to submit a plan to Congress by 2012 on how to move home health and nursing home providers into a value-based purchasing payment system.

**Reducing Avoidable Hospital Readmissions:** Directs CMS to track hospital readmission rates for certain high-cost conditions and implements a payment penalty for hospitals with the highest readmission rates.

**Increasing Funding for Community Health Centers:** Provides increased funding for community health centers that will allow them to increase the number of patients served.

**Corporate Information Reporting:** Businesses paying corporate and non-corporate providers of property and services \$600 or more during the year will be required to file information reports with the IRS and the providers reporting the amounts that were paid.

**Executive Compensation Limitations:** Limits the deductibility of executive compensation under Section 162(m) for insurance providers if at least 25 percent of the insurance provider's gross premium income from health business is derived from health insurance plans that meet the minimum creditable coverage requirements. The deduction is limited to \$500,000 per taxable year and applies to all officers, employees, directors, and other workers or service providers performing services, for or on behalf of, a covered health insurance provider. This provision is effective beginning in 2012 with respect to services performed after 2009.

## 2013

**Paying Physicians Based on Value Not Volume:** Creates a physician value-based payment program to promote increased quality of care for Medicare beneficiaries.

**Administration Simplification:** Health plans must adopt and implement uniform standards and business rules for the electronic exchange of health information to reduce paperwork and administrative burdens and costs.

**Encourage Provider Collaboration:** Establishes a national pilot program on payment bundling to encourage hospitals, doctors, and post-acute care providers to work together to achieve savings for Medicare through increased collaboration and improved coordination of patient care.

**High Cost Insurance Excise Tax:** Imposes an excise tax of 40 percent on insurance companies and plan administrators for any health insurance plan that is above the threshold of \$8,500 for singles and \$23,000 for family plans. The tax would apply to the amount of the premium in excess of the threshold. The threshold would be indexed at CPI-U plus one percentage point, and a transition rule would increase the threshold for the 17 highest cost states for the first 3 years. An additional threshold amount of \$1,350 for singles and \$3,000 for families is available for retired individuals over the age of 55 and for plans that cover employees engaged in high risk professions.

**Increased Threshold for Claiming Itemized Deduction for Medical Expenses:** Increases the income threshold for claiming the itemized deduction for medical expenses from 7.5 to 10 percent. Individuals over 65 would be able to claim the itemized deduction for medical expenses at 7.5 percent of adjusted gross income through 2016.

**Additional Hospital Insurance Tax for High Wage Workers:** Increases the hospital insurance tax rate by 0.5 percentage points on an individual taxpayer earning over \$200,000 (\$250,000 for married filing jointly).

## 2014

**Health Insurance Reforms:** Implements strong health insurance reforms that prohibit insurance companies from engaging in discriminatory practices that enable them to refuse to sell or renew policies due to an individual's health status. Insurers can no longer exclude coverage for treatments based on pre-existing health conditions. It also limits the ability of insurance companies to charge higher rates due to health status, gender, or other factors. Premiums can vary only on age (no more than 3:1), geography, and family size.

**Health Insurance Exchange:** Opens health insurance Exchanges in each state to the individual and small group markets. This new venue will enable people to comparison shop for standardized health packages. It facilitates enrollment and administers tax credits so that people of all incomes can obtain affordable coverage.

**Health Care Tax Credits:** Makes premium tax credits available through the Exchange to ensure people can obtain affordable coverage. Credits are available for people with incomes above Medicaid eligibility and below 400 percent of poverty who are not eligible for or offered other acceptable coverage. They apply to both premiums and cost sharing to ensure that no family faces bankruptcy due to medical expenses again.

**Public Health Insurance Option:** Creates a new public health insurance plan that competes on a level playing field against private health plans. It will inject competition into the many parts of our country without a competitive health insurance market. Because it will not operate at the behest of investors, it will offer real competition to private insurers – making them compete on cost and quality. It includes a state opt-out which to allow states to decide whether or not to participate.

**Individual Responsibility:** Requires most individuals to obtain acceptable health insurance coverage or pay a penalty of \$95 for 2014, \$350 for 2015, \$750 for 2016 and indexed thereafter. Penalties for families are capped. If affordable coverage is not available to an individual, they will not be penalized.

**Employer Responsibility:** Requires employers with 50 or more employees who do not offer coverage to their employees to pay \$750 annually for each full-time employee as long as one of their employees receives a tax credit. Precludes waiting periods over 90 days and requires employers to pay \$400-600 annually for each full-time employee in a waiting period between 30-90 days. Requires employers who offer coverage but whose employees receive tax credits to pay \$3,000 for each worker receiving a tax credit up to a cap of \$750 per full-time employee.

**Increased Access to Medicaid:** Medicaid eligibility will increase to 133 percent of poverty for all non-elderly individuals to ensure that people obtain affordable health care in the most efficient and appropriate manner.

**Reduce Overpayments in Medicare Advantage:** Implement competitive bidding to eliminate overpayments to insurers in the Medicare Advantage program.

**Small Business Tax Credit:** Continues the second phase of the small business tax credit for qualified small employers.

**Quality Reporting for Certain Providers:** Places certain providers – including long-term care hospitals, inpatient rehabilitation facilities, PPS-exempt cancer hospitals and hospice providers – on a path toward value-based purchasing by requiring the Secretary to implement quality measure reporting programs in these areas.

## **2015**

**Ensuring Medicare Sustainability:** Establish an Independent Medicare Advisory Board to develop and submit proposals to Congress aimed at extending the solvency of Medicare, lowering health care costs, improving health outcomes for beneficiaries, promoting quality and efficiency, and expand access to evidence based care.